

MINUTES  
**California Biodiversity Council**  
March 20, 1997  
Visalia, California

Members Present:

Michael Mantell, Resources Agency  
Ed Hastey, Bureau of Land Management  
Nancy Huffman, Northern California Counties Association  
G. Lynn Sprague, U.S. Forest Service  
Richard Rayburn, Department of Parks and Recreation  
Eric Christensen, Department of Defense  
Mike Tollison, National Park Service  
Val Siegel, California Environmental Protection Agency  
Bob Haussler, California Energy Commission  
Peter Stine, Biological Resources Division, U.S. Geological Survey  
Ray Nutting, Sacramento-Mother Lode Regional Association of  
California Counties  
Patrick Leonard, U.S. Fish and Wildlife Service  
Dale Hoffman-Floerke, Department of Water Resources  
Jim Kochis, Natural Resources Conservation Service  
Diana Jacobs, State Lands Commission  
Richard Wilson, Department of Forestry and Fire Protection  
Don Erman, University of California  
Pat Meehan, Department of Conservation  
Jacqueline Schaefer, Department of Fish and Game

**Call to order**

The meeting was called to order by Michael Mantell.

**Approval of minutes for December 12, 1996 meeting**

Page 4, Tahoe Conservancy, not the Title Conservancy.  
Page 10, Sun City, instead of Sand City.  
The minutes were approved as amended.

**Executive Committee report**

Al Wright, Chairman of the Executive Committee, stated there is movement in the direction of regional leadership teams in California. There are three action items in the Council's strategic plan:

1. Developing a research monitoring, inventory and assessment database that will be available to all people in California. There are five priority objectives

for this data base:

- to provide users with descriptions of statewide and regional natural resource data sources in California
  - provide statewide data coordinators for specific data themes
  - provide users with direct Internet access to selected data sets
  - work with statewide or regional technical teams to ensure that their needs for natural resource data are met
  - identify and promote scientific standards and protocols where needed.
2. Participation: identifying communities where there are successful partnerships including interagency coordination, in order that information can be spread throughout the state. There are five components to successful cooperative projects:
- data and information
  - agency commitment and participation
  - neutral conveners or facilitators
  - funding
  - education
3. Regional leadership: agencies in California are working together to get specific on the ground projects accomplished. There was some question as to whether fire perspectives are being examined across broad enough regions. Water issues also cross regions. A new way of looking at issues throughout the region is needed so conservationists can move away from the agency to agency approach.

### **Council Announcements**

Michael Mantell, Undersecretary for Resources, reported that on Tuesday, March 18, 1997 the City of San Diego unanimously approved their portion of the state's NCCP program. It's a plan that covers some 85 species, some 18 distinct habitats, sets up a preserve system of some 172,000 acres throughout the Southwestern part of the county and covers a 508,000 acre area. Separate sub-area plans now are in the process of being approved, but this sets the framework

in place for the 172,000 acre preserve in San Diego County.

It is the most comprehensive, far-reaching plan ever approved in the history of the Federal Endangered Species Act. The cooperative effort involves Department of Fish and Game, U.S. Fish and Wildlife Service, Bureau of Land Management, Department of Parks and Recreation, Department of Forestry and Fire Protection, and local entities. At the end of the hearing, representatives of the San Diego Building Industry Association, Chamber of Commerce, Farm Bureau, Nature Conservancy, Audubon Society, Sierra Club, and Endangered Habitats League, all supported the plan, which was then unanimously adopted.

In the northern part of the state on the same day, Department of Parks and Recreation and East Bay Regional Park District reached an agreement with Catellus Land Corporation. They agreed to acquire and set aside over 1,400 acres, nine miles along the shore on the East Bay of Emeryville, Berkeley, and Albany Crescent, to establish the East Bay State Shoreline Park for the future of California. It not only preserves open space, but provides for economic vitality and economic certainty.

### **Report on California Watershed Projects Inventory**

Ed Hastey, Bureau of Land Management, reported on the need to have a complete inventory of all of the watershed projects that currently exist in California. Through the generosity of the Resources Agency, Environmental Protection Agency, State Water Resources Control Board, and University of California, about 300 projects in the state have been inventoried. There are approximately 1,000 watershed projects in California about which little is known. A complete inventory of the state watershed projects is needed. The Bureau of Land Management (BLM) is willing to put in \$50,000 this year in order for the University to move this inventory to completion. Mr. Hastey requested additional contributions from other Council members. It would require less than a man month or work month of time to assist BLM to work with the University and State of California through the CERES program to get that inventory in our data base. Carl Rountree would be the contact point.

Mr. Hastey emphasized that the main objective enter watersheds in the data base and institutionalize this project. With funding from the BLM and help from the University and individuals from the various Council agencies, this can be done within a year.

He reported that several years ago the Wildland Resources Center published an inventory of watershed projects for western North America, including Canada. The companion report to that is a Guide to Watershed Studies, gathered from 800 projects that were surveyed in the west. The intent is to bring BLM and the California Rivers Assessment together to create a comprehensive data base about watersheds in California.

## **Report on Vernal Pools Ecosystem Protection**

Alexis Straus, representing the EPA, reported that there is now an agreement among 30 federal and state agencies to protect a unique wetland ecosystem known as vernal pools. This agreement represents a commitment among all signatories to work together for sensible approaches and involves good promoting processes, open communication guidance about the uniqueness of vernal pools and steps to follow to protect these wetlands.

## **Report on University of California Directories of Expertise of Wildlands**

Don Erman, representing University of California, announced the University has prepared the Directories of Expertise of Wildlands, a parallel to the California State University system, and a parallel for the state and federal agencies. There was also a directory to Water Resources Expertise developed by the Water Resources Center. Those have been combined and an effort is underway to get the information online. The first phase is the combined Water Center and Wildland Center Directories to UC Expertise online. This will be extended to update the California State University system, and state and federal agency expertise.

## **Resource Conservation Districts Introductions**

Pat Meehan, Department of Conservation (DOC), introduced Glenda Humiston, President of the California Association Resource Conservation Districts (CARCD); Tom Wary, new Executive Director for CARCD with 39 years of experience with Natural Resources Conservation Service (NRCS); and Jean and Bill Saffle, project coordinators for the San Joaquin Valley. The grant money used to hire the Saffles was a coordination of DOC, NRCS and CARCD.

## **Department of Defense Publications**

Colonel Christensen announced the publication of a new handbook by Department of Defense for conserving biodiversity on military lands. There are two other documents from the Military Environmental Coordination committee and its steering committee. The Vernal Pool Resource Agency guidebook should be on its way to the agencies now. A Guide to Integrated Interagency Environmental Planning for Military Activities in California will be published soon.

## **Update on Tupper Ansel Blake Publication**

At the last meeting of the Council, Tupper Ansel Blake made a presentation of a publication on the northern coast of California. He has received \$400,000 to date to complete the project about the biodiversity and local economies of Klamath and the province. He needs another \$75,000 to complete the effort. The

Resources Agency and California Biodiversity Council expressed interest in trying to help him meet that need by April 1. A commitment is needed by April 1, but the money can be paid out over a period of time.

### **Report on San Joaquin Valley Linkages**

Mike Chrisman, Regional Manager for Southern California Edison Company, reported the importance of the agriculture industry in the San Joaquin Valley, the natural linkages that are so important to the success of all conservation plans, and actual linkages that are taking place between organizations to solve some critical natural resource issues.

As a state, California has led in agricultural production for over 50 years. It is a diverse industry, well in excess of 250 different crop and livestock commodities. In 1995 the gross receipts for agriculture were in excess of 22 billion dollars and growing. California agriculture represents one in 12 jobs in California.

The population base in the San Joaquin Valley is 5 to 5.5 million people. Projections for the years 2030 to 2040 indicate there will be 12 to 15 million people in the San Joaquin Valley. The linkage between agriculture and the environment takes place because of the linkage between the Sierra Nevada mountains and the San Joaquin Valley. Mountain water is the lifeblood of this valley, providing the basis for the economy. With management, energy has been produced, irrigation has been provided for agricultural crops, high quality drinking water has been supplied, flooding has been reduced, recreation has been provided and critical fish and wildlife habitat has been maintained. More people will certainly mean greater demands on the available natural resources.

Some wildlife regularly move between the mountains and the valley. Riparian corridors provide many of the migration routes for waterfowl, deer, beaver, mountain lions and many of the birds. Many people live in the mountain communities but commute to the valley for work. These rural urban growth movements impact wildlife by loss of habitat, road kills, air quality reduction, and changes in vegetation.

Mr. Chrisman continued by stating that the success of human communities in this region is critically linked to the richness and diversity of our natural resources that are available. People have joined together to protect natural resources. The Central Valley Habitat Joint Venture Project was established in 1988, made up of 31 member organizations, consisting of public and private partnerships to implement the North American Waterfowl Management Plan here in the Central Valley. The primary goal of this plan was to protect, maintain and restore habitat to increase waterfowl populations here in the valley.

Another project is from the American Farmland Trust, an organization that is a private, nonprofit national organization concerned with the preservation and

protection of agricultural land. They are involved in many cooperative efforts to preserve and protect agricultural land.

A further example is the San Joaquin River Parkway and Conservation Trust. Since 1988 this trust has helped the community realize the dream of a San Joaquin River parkway, which is essentially a linear greenbelt of natural reserves and parks, with some 22 miles of contiguous trails. The trust has formed a regional educational program here in this area, offered to schools and the public.

Many of our national forests have completed their land management plans as mandated by NEPA. Those are collaborative linkage processes between state, federal and local people. These plans are 10 year perspectives on some of the cultural, biotic and economic activities of each of these forests.

Mr. Chrisman closed by stating that the key to a healthy future for this valley and the mountains are based on a commitment to protect our valuable natural resources. This commitment involves a strong conservation ethic and wise land use and water decisions recognizing that environmental protection and economic growth are not mutually exclusive.

### **Report on Conserving Biodiversity and Water in the San Joaquin Valley**

Dennis Keller, a civil engineer and representative of the Kouia Delta Water Conservation District, reported some issues which were summarized as conclusions related to conserving biodiversity:

1. Fear
2. Communication
3. Trust,
4. Demonstrable actions must take place in order to create and enhance and preserve opportunities.

Mr. Keller's report indicated that fear is related to government taking without compensation and fear that even granting access for investigative procedures will lead to a loss of control of property-related rights. For regulators, there is fear of pressure, both actual and real, the threat of litigation from special interest groups, fear of taking risk where the course of action is not clearly defined or charted ahead of time, fear of disclosure and the issuance of permits. Also, there is fear of reprisals or lack of support from superiors.

Communication requires that leadership be fostered and nurtured where like interest and concerns exist. With respect to trust, there is an underlying current of lack of trust in almost all of the issues related to biodiversity in the valley. Facilitation in lieu of enforcement leads to both creating and enhancing the biodiversity which exists in this area.

## **Report on Incentive Based Approaches to Endangered Species Planning**

Ted James, Director of Planning for Kern County, focused on the need to change the direction of endangered species planning and focus more on incentive-based approaches, not command and control approaches. He stated 1) there is a coordination problem with local, state and federal governments doing different things; 2) the command and control approach of implementing federal and state Endangered Species Acts must move in the direction of promoting people to want to conserve species, rather than having prohibitions requiring people to do something; and 3) long-range programs are needed.

The Valley Floor Habitat Conservation Plan coordinates the efforts of the Bureau of Land Management, U.S. Fish and Wildlife Service, Dogger, Vision Oil and Gas, California Energy Commission, Kern County, and Department of Fish and Game to implement the Endangered Species Act. The program area is 3,000 square miles and is a habitat based program involving 32 plant and animal species. It addresses oil and gas production, agriculture, cattle ranching, water conveyance facilities, urban development, and even county public infrastructure while respecting private property rights.

Under the Valley Floor Habitat Conservation Plan, there is a predetermined conservation value that is assigned to all lands in this program area. There is a compensation ratio based on a three to one compensation ratio. Credits are adjusted to encourage the preservation of large blocks of habitat, habitat adjacent to existing preserves through the issuance of bonus credits. Landowners who conserve land as habitat reserves receive a credit based on the conservation value. Credits can be sold or traded, or used on other pieces of property. Landowners desiring to develop land cause a loss of the conservation value, so they must compensate with credits. Demand for development creates demand for the credits. This is the basis of the program. The attempt is being made to try to marry economics and conservation principles and make it work together for the benefit of everybody.

## **Report on Fuels Management and Air Quality**

Gary Gilbert, Department of Forestry and Fire Protection, stressed that fire and smoke have always been part of California and that California ecosystems have been shaped by fire. What has changed over the years is the management of fire and land use practices, and this has changed the frequency and intensity of wildland fires within all the various fuel types in California.

One of the most conflicting goals of air quality in regulation is restoring fire into our foothills and our forest ecosystems. Prescribed fire is one of the fuels management tools most often associated with the impacts on air quality and is probably one of the most visible for anyone in the adjoining wildland area. There are a number of problems associated with prescribed fire:

1. Ecosystems are at risk if fires are not planned or are not conducted properly.
2. Structures are at risk from wildfire when the use of prescribed fire could reduce that risk and has not been used.
3. Health risks are growing and they will continue to grow with increased use of all agencies using prescribed fire.
4. Air quality and visibility will be adversely impacted for lengthy time periods if burning prescriptions do not consider smoke management.
5. Wildlife values are at risk when wildfire burns areas with high intensity, but could have been improved through the use of prescribed fire.
6. Economic vitality is impacted through the failure to use good smoke management in the use of prescribed natural fire in areas reliant upon tourist-based economies.
7. The use of prescribed fire improves grazing values by creating an ecosystem closer to pre-European habitat.

The U.S. Department of Agriculture has recognized the value of prescribed fire and proposes a tenfold increase by the year 2005. That increase is both in their targets and in their funding levels to conduct prescribed burns. Several problems remain:

1. Current fire suppression tactics and strategies are not effective in some of our heavy urban/wildland mix areas.
2. Smoke management strategies and tactics need further development to address some public health and visibility issues.
3. Fire is difficult to use on a landscape basis where alternative fuels management and techniques could be developed.
4. There are conflicting laws and institutions that make the use of prescribed fire difficult.
5. The health effects of smoke from prescribed burns and wildfire are yet to be determined.
6. Public education is necessary to provide a balanced picture of the use and effect of prescribed fire vs. the effects of wildfire.

Mr. Gilbert identified some of the potential roles for the California Biodiversity




Council:

1. Education of membership leaders to assist in effective decisions in addressing our fuels management issues.
2. Identifying improvements in the regulatory process for consistency and validity.
3. Continuing to meet in a variety of locations to involve local interests.

Mr. Gilbert then reiterated his main points 1) regulatory relief must be provided; 2) partnerships are necessary; 3) public education is necessary; 4) fuels management must include alternatives to prescribed fire; 5) communication channels among all interests must be maintained and enhanced; and 6) creative funding sources must be explored.

### **Report on Growth Projections and Quality of Life in the San Joaquin Valley**

Joanie Weber, Secretary of the Institute of Ecological Health, reported 1) growth projections in the San Joaquin Valley; 2) HCPs and NCCPs, what they are and how they work; 3) quality of life; 4) governance; and 5) planning and economic viability. The values currently considered at risk are 1) farmland and ranchland; 2) open space; 3) livable down towns; and 4) older town neighborhoods. The definition of livable cities is based on a Portland model. Other communities with livable down towns include Visalia, Merced and other areas. Remaining problems seem to be 1) a lack of a vision and a need for a regional framework of some kind; 2) changes in some federal level legislation, for example, inheritance tax reform to help farmers remain in farming; 3) local perceptions that density might mean lower quality of life; 4) lack of urban growth boundaries or a clean edge to cities; 5) reforms needed in existing codes and ordinances which prohibit mixed use zoning and those pertaining to widths of streets; 6) communication  moving beyond adversarial to problem solving; and 7) economic viability and the need for more funding options for in-fill development and mixed use building.

Ms. Weber indicated that local interests and groups in the region are willing to try 1) incorporating more people of color into the process, 2) mitigation banking, 3) changes in taxation that pushes agriculture owners into development as the only viable option, 4) making in-fill projects more attractive to developers, and 5) possible sales tax increases for public projects. She mentioned some potential roles for leaders in the region, including 1) outreach to dispel the idea that density is bad; 2) lobbying for what the San Joaquin Valley needs; 3) sharing expertise, especially on housing, development and in-fill and open space; 4) urging the Governor to require that code 65040, which looks at long term planning, is enforced; 5) a possible open space easement financed by a tax; and 6) HCPs, identifying crucial land areas and looking at securing some of those with a local tax.

Ms. Weber made some suggestions for potential roles for the Biodiversity Council 1) a statewide commitment to environmental protection on the level that the state uses to coordinate water projects; 2) some way to keep people or development off agriculture land and foothill habitat; 3) some mingling of local and regional planning; 4) controlling the rate of population growth in the Valley; and 5) working toward better, more efficient ways of government with more coordination than currently exists.

In response to Ms. Weber's presentation, a listener suggested that there are at least two models for how development may occur: One which focuses on a livable inner core of the city that attracts people because of the vitality. Density is secondary because of all the life that is there, the beauty, and all the culture that emerges. The other is a regional picture like NCCP that looks at lots of lands and emphasizes the need to capture some areas for biodiversity and allocate some areas to use for development.

Jim Kochis, Natural Resources Conservation Service, noted that new technology such as the Internet, e-mail, are allowing people to live in more rural areas. When populations move away from urban types of settings, it fractures the land base and conflicts with fiber production, food production, etc. Some of these new rural executives have a higher quality of life, but have very little relationship with the viability of the economy of that piece of property.

Don Erman summarized two issues that recur in biodiversity discussions: 1) the need to pay more attention to and actively look at incentives as a way to help people do what they want to do and 2) changing the perception of farmers, ranchers, citizens who think that if they could do something that they would like to do to protect and advance biodiversity, in the end this will trap them in some way and punish them.

It was noted that part of the problem is that regulatory biologists are not restoration biologists. These are two different sets of professionals, and perhaps if regulatory biologists were empowered or if part of their job description included the need to consider restoration and protection issues, they might think about helping facilitate solutions, rather than always coming up with a regulation. The necessity for incentives to create economic gain was emphasized.

The suggestion was made that as there is already a well-established mechanism for public bonds to buy land, it could be expanded to include raising public bonds and use the funds to pay for services for private land. For example, subsidizing fuel burning as a means of paying some of the costs of hand labor or reducing the density of cattle grazing around some riparian areas and paying for the difference so the farmer can stay in business.

Chauncey Poston, California Resource Conservation District, noted that

Resource Conservation Districts have been working with private landowners in California since the 1940s. They help landowners design anything on their property they want as long as it is a benefit. They can chip away at a conservation program for years. The bottom line is that private landowners in many cases do a better job than government can do.

Many agencies fear that if land is under federal ownership it is not protected. There are many innovative programs coming out with CRP, the Wetlands Reserve Program (WRP), where they are looking at providing easements, and even the Farmland Trust. This program has the responsibility to provide incentives to landowners whose land the public values as staying in its natural state instead of being used for agriculture. One of the problems is that the Farmland Trust has about \$2 million this year allocated for that use. It could spend about \$500 million this year alone. WRP in California got \$10 million, and it is already used up.

Diana Jacobs, State Lands Commission, commented on the marketing of green products, fish-friendly wine and the like. Companies could use help in marketing themselves as friendly to wildlife. An area that is growing fast is ecotimber. The government need not pay for it, just foster education and help coordinate certification.

A Harvard study focusing on biodiversity and landscape planning alternative futures for the regions around Camp Pendleton. This study identifies the year 2010 as the year by which there must be a way of planning the environmental future there or the battle will have been lost. Not doing anything is not a viable alternative, because the biodiversity battle in that particular ecosystem will have been lost.

The group focused on the sustainability of the state of California as a whole. As individuals throughout California make the decision to transfer their lands into development patterns, thought must be given as to what will be the eventual effect on California, in 100 years. How would the state feed the future seven or eight or nine generations? A 20 year or 40 year plan is not long enough.

The need for agencies to work together was a recurring theme. For example, the WRP program allows either a permanent easement or a 30 year easement. One of the things NRCS looks at in terms of their programs is how they can work with other agencies to get maximum use out of each dollar. If one agency cannot afford to purchase, possibly NRCS can help with an acquisition or easement. There is a need to work together to develop those kinds of proposals.

### **Report on Land Conversion, Land Reversion, and Water Subsidy**

Dennis Fox, California Native Grass Association, Bakersfield, identified three topics which are interrelated 1) land conversion, 2) land reversion, and 3) water

subsidy structure. On the subject of land conversion, since Proposition 13, many valley counties have sought revenue by ~~A~~oning for dollars. ~~C~~onsideration should be given to having a state or regional oversight with veto over land conversions. The idea behind land reversion instead of land retirement is that if marginal farmlands were reverted to pastoral agriculture, the following would be accomplished: 1) these lands would remain on tax rolls so it would not be encouraging counties to do further land conversion; 2) they would remain in employment and there would be some sales tax revenue coming in, and endangered species problems did not arise until land was put into row agriculture; and 3) water price restructuring, with urban areas allowing the subsidy pricing of water to the farmers in return for increased revenues to pay for more freeway construction.

### **Report on Local Control**

Bernard Carlson, El Dorado County, expressed his desire to see more local control and incentive based approaches to biodiversity. Changes in the Endangered Species Act need to be made so that science is the basis for declaring a species endangered, not emotion. The fertile valley floors should be preserved as the breadbasket of the world. Current efforts to preserve forests are encouraging. Water will be needed in the future and planning for dam construction must begin now.

### **Report on Habitat Enhancement Landowner Program**

Greg Kirkpatrick, American Farmland Trust, reported the Habitat Enhancement Landowner Program (HELP) was developed by a group of farming organizations over the last year. It came about as a response to a program developed by American Farmland Trust and the Department of Fish and Game to create a safe harbor for farmers who were willing to take on habitat enhancement activities on their private lands. This program is designed to remove disincentives created by the enforcement approach of the Endangered Species Act, and provide a process to create coordination of overlapping regulations. The next steps are for the Agriculture Caucus to respond to the comments of the agencies and the environmental organizations and continue this discussion.

### **Report on San Diego NCCP Program**

Joan Stewart, California Native Plant Society, is a biologist who works with environmental groups and has been involved in the development of the NCCP since the technical advisory committee was first organized. Many are referring to the San Diego effort as a model, but the process and the results are frustrating. In the final analysis, it is better than nothing, but not even close to the promise of a science driven program that would conserve all the natural resources of the region. She cautions council members not to sell the program as something that is perfect when in fact it is far from perfect in her opinion.

### **Report on Resource Conservation Districts**

Bill Saffle, Coordinator for Area 9 Project Revive, highlighted the 27 Resource Conservation Districts in Area 9 from Merced in the north to the coast range in the west, to the Tehachapi in the south, and the Pacific Crest in the east. The common purpose is to take available technology, financial and educational resources, and focus and coordinate at the local level to meet the present and future resource needs of the local land user.

### **Report on the Need for Interagency Cooperation**

Jean Saffle, Director of the Sierra Resource Conservation District, reported that the Sierra Resource Conservation District that RCDs receive cooperation from upper level management in most agencies, but that at the field level this cooperation seems to break down. It would be helpful if field level employees could work out interagency situations in a desirable outcome.

### **Adjournment**

The meeting was adjourned at 3:00 pm.